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CONFEDERATED TRIBES
of the
GOSHUTE RESERVATION

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August 31, 2000

Chairman Kennard
Commissioner Furchgott-Roth
Commissioner Ness
Commissioner Powell
Commissioner Tristani
The Federal Communications Commission
445 12th St. S. W.
Washington, D.C. 20554

Dear Mr. Chairman, Ladies and Gentlemen:

The Confederated Tribes of the Goshute Reservation finds the Common Carrier Bureau Order (CC Docket No. 96-45) contrary to our efforts to immediately, efficiently and economically improve telephone service on our reservations.

We have presented you with a formal request for reconsideration explain in greater detail why this order disregards our tribal sovereignty and violates the trust responsibility.

Respectfully yours,

Milton Hooper, Chairman
Goshute Business Council

Cc:/ Senator Hatch
Senator Reid
Senator Bennet
Senator Dorgan
Senator Campbell
Senator McCain
Senator Inouye
Chairman Bird In Ground
Western Wireless: Chairman John Stanton

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Before the
Federal Communications Commission
Washington, D.C. 20554

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SEP 5 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Federal-State Joint Board on Universal Service;)
Promoting Deployment and Subscribership in)
In Unserved and Underserved Areas, Including)
Tribal and Insular Areas)
)
Western Wireless Corporation, Crow Reservation)
In Montana)
)
Smith Bagley, Inc.)
)
Cheyenne River Sioux Tribe Telephone Authority)
)
Western Wireless Corporation, Wyoming)
)
Cellco Partnership d/b/a/ Bell Atlantic Mobile, Inc.)
)
Petitions for Designation as an Eligible)
Telecommunications Carrier and for Related)
Waivers to Provide Universal Service)

CC Docket No. 96-45

Petition for Reconsideration
By
The Confederated Tribes of the Goshute Reservation of Utah and Nevada

The Confederated Tribes of the Goshute Reservation of Utah and Nevada hereby submits this Petition for Reconsideration of the Commission's *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, FCC 00-208, released on June 30, 2000 ("*Twelfth Report and Order*"). In the *Twelfth Report and Order*, the Commission adopted rules and policies for, among other things, considering a request by a carrier to be designated as an Eligible Telecommunications Carrier ("ETC") on tribal lands. The Confederated Tribes of the Goshute Reservation respectfully requests that the Commission reconsider its decision not to assume jurisdiction outright over the designation of a carrier as an ETC on tribal lands. In concluding that "whether a carrier providing service on tribal lands is subject to the jurisdiction of a state commission is a complicated and intensely fact-specific legal inquiry informed by principles of tribal sovereignty and requiring the interpretation of treaties, and federal Indian law and state law," the Commission fails to recognize its federal trust responsibility to the tribes and that it is the Commission's responsibility to designate a carrier seeking to serve only areas within a established reservation as an ETC.

The Confederated Tribes of the Goshute Reservation request immediate reconsideration of the Common Carrier Bureau Order on ETC status and Universal Service for Indian Country.

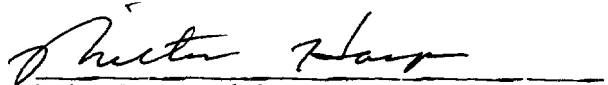
We are a very small tribe with very limited resources and our need for efficient and affordable telephone service is critical. Approximately eighty percent (80%) of the homes on our reservation do not have telephones. The negative impact of the Common Carrier Order is incalculable. We even have nineteen (19) HUD homes in the southern region of the reservation where the expense of placing wireline phones prohibits service. Our reservation is located in both Utah and Nevada. Our homes and tribal businesses are located in two states.

We are proud of our Crow brothers and sisters for their efforts to have Western Wireless place a closed loop wireless system on their reservation. We do not wish to defer to a state to make decisions for us. The Common Carrier Bureau must acquire a respect for our tribal sovereignty.

We, too, are in the Western Wireless service coverage area and we, too, want the option of having a Western Wireless closed loop wireless system for the 160,000 acres of our reservation. We have been talking with Western Wireless for nine months now waiting for your decision on the Western Wireless ETC petition for the Crow Reservation. To expect Western Wireless to negotiate with both the state of Nevada and Utah is unreasonable. This is why the trust relationship with the federal government exists, i.e. to avoid situations just like this. You are a federal agency. We will negotiate with Western Wireless and with your advice and assistance, we will regulate them as necessary. We have seen and have studied what Western Wireless did for Regent, North Dakota and we want the same. You must reconsider your decision and please do it expeditiously for the welfare of the Paiute people.

In sum, The Confederated Tribes of the Goshute Reservation respectfully requests that the Commission reconsider its decision not to assume jurisdiction outright over the designation of a carrier that serves only a reservation as an ETC. Requiring a carrier to establish Commission jurisdiction through an exhaustive legal proceeding will have a chilling effect on any carrier seeking to provide service on reservations, ignores the Commission's federal trust responsibility, and takes away from the tribes their ability for self-determination.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Milton Hooper", is written over a horizontal line.

Milton Hooper, Chairman

The Confederated Tribes of the Goshute Reservation

Cc:/ Chairman William Kennard
Commissioner Susan Ness
Commissioner Michael Powell
Commissioner Harold Furchgott-Roth
Commissioner Susan Ness